

Information Disclosure Statement:

Applicant thanks the Examiner for initialing and returning Form PTO/SB/08 A & B filed on September 28, 2004, thus indicating that all of the references listed thereon have been considered.

Allowable Subject Matter:

Applicant sincerely thanks the Examiner for indicating that although claims 6 and 7 have been objected to, these claims would be allowable if written in independent form.

Claim Rejections:

Claims 1-7 are all the claims pending in the application, and currently claims 1-5 stand rejected.

35 U.S.C. § 103(a) Rejection - Claims 1-3:

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,438,566 to Masetti et al. in view of U.S. Patent No. 5,416,769 to Karol. In view of the following discussion, Applicant respectfully traverses the above rejection.

Figure 7, of Masetti, discloses a switching matrix 180, which has a space switching device 182 having input ports (via the delays lines 189 and 190) and output ports (s1 through s16). Further, Masetti discloses a buffer 181 which is external to the device 182. The Examiner also alleges that Masetti discloses having each of the output ports provide access to the buffer memory. Finally, the Examiner alleges that the buffer 181 is common to all of the output ports s1 through s16, and that Masetti only fails to disclose the space switching stage of the claimed invention, for which the Examiner relies on Karol. Applicant disagrees with the Examiner for a number of reasons, which are set forth in more detail below.

First, Applicant notes that Masetti merely discloses the prior art discussed on page 2, line 23 to page 3, line 4, of the present application. As such, Applicant submits that Masetti fails to disclose more than just the space switching stage of the claimed invention, as alleged by the Examiner. Specifically, although the buffer 181 appears to be common to the output ports, there is no disclosure or teaching of having the output ports “provide access” to the buffer memory. In Masetti, the buffer memory is positioned upstream and there is no connection provided between the output ports and the buffer memory.

In fact, there is no disclosure, whatever, regarding the output ports s1 through s15. Secondly, with regard to the particular case of s16, this port is not recirculated to the buffer itself, i.e. the delay lines 189 and 190.

Therefore, Masetti fails to disclose more than just the claimed space switching stage, and this failure is not cured by the teachings of Karol.

Turning now to Karol, Applicant notes that Karol merely teaches a prior art system as discussed on page 3, lines 11 to 21, which is an alternative system to the Masetti system, as discussed in the present application. In rejecting the claims, the Examiner alleges that it would have been obvious to combine Karol with Masetti, and that the resultant combination would teach or suggest each and every feature of the claimed invention. Applicant disagrees for a number of reasons.

However, because both Masetti and Karol represent alternative prior art methods and systems (see present specification), one of ordinary skill in the art would not have found it obvious to combine the teachings of these two references. Namely, these references represent two alternative solutions to a problem, and as such, a skilled artisan would be motivated to use

any one of these references as a solution, but would not have been motivated to combine these references as suggested by the Examiner. Additionally, each of these references lack any specification motivation for the asserted combination.

Additionally, even if the references were combined, as the Examiner has suggested, the resultant combination would not result in the claimed invention. Specifically, in rejecting the claims the Examiner alleges that Karol discloses a space switching stage with switches having a 1 to 2 switching function. *See* Office Action, page 2. Applicant disagrees with the Examiner. Namely, Applicant submits that the switches 316, 310, in Karol, or 2 to 1 switches, and not 1 to 2 switches. As shown in at least Figure 3, each of the switches 310 and 316 have two inputs and one output. As such, it is clear that these switches are 2 to 1 switches. Thus, even if the references were combined, there is no teaching or suggestion of each and every feature of the claimed invention.

In view of the foregoing, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the above references as suggested by the Examiner, and even if one combined the references as suggested the resultant combination would fail to disclose, teach or suggest each and every feature of the claimed invention. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to the claimed invention, as required under 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the claims.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/987,245

Our Ref.: Q67154
Art Unit: 2633

35 U.S.C. § 103(a) Rejection - Claims 4 and 5:

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Masetti in view of Karol in further view of U.S. Patent No. 5,828,472 to Masetti. However, because claims 4 and 5 depend on claim 1, and because Masetti '472 fails to cure the deficient teachings of Masetti and Karol, Applicant submits that these claims are also allowable, at least by reason of their dependence.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

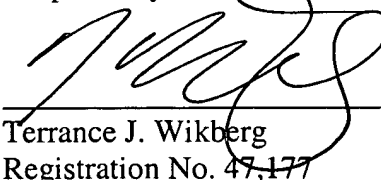
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